

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

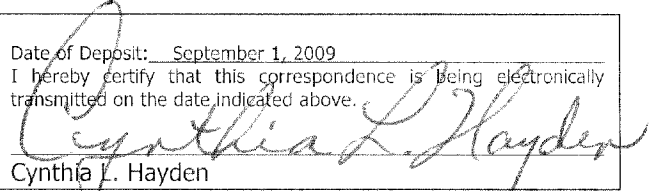
In re Applicant:	§	Art Unit:	2424
David B. Andersen et al.	§		
	§	Examiner:	Son P. Huynh
Serial No.: 10/074,484	§		
	§	Conf. No.:	7314
Filed: February 11, 2002	§		
	§	Docket:	ITL.2155US
For: Identification of Programming	§		P12916
Having Supplementary Content	§		
	§	Assignee:	Intel Corporation

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**APPEAL BRIEF**

Date of Deposit: September 1, 2009

I hereby certify that this correspondence is being electronically transmitted on the date indicated above.

  
Cynthia L. Hayden

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### **REAL PARTY IN INTEREST**

The real party in interest is the assignee Intel Corporation.

## **RELATED APPEALS AND INTERFERENCES**

None.

## **STATUS OF CLAIMS**

Claim 1 (Rejected).

Claims 2-3 (Canceled).

Claim 4 (Rejected).

Claim 5 (Canceled).

Claims 6-12 (Rejected).

Claim 13 (Canceled).

Claim 14 (Rejected).

Claim 15 (Canceled).

Claims 16-17 (Rejected).

Claims 18-19 (Canceled).

Claim 20 (Rejected).

Claim 21 (Canceled).

Claims 22-25 (Rejected).

Claims 26-28 (Canceled).

Claims 1, 4, 6-12, 14, 16-17, 20, 22-25 are rejected and are the subject of this Appeal Brief.

## **STATUS OF AMENDMENTS**

All amendments have been entered.

## SUMMARY OF CLAIMED SUBJECT MATTER

In the following discussion, the independent claims are read on one of many possible embodiments without limiting the claims:

1. A method comprising:

creating a program schedule (Figure 1, 100) that includes a listing for a television program that has supplementary content provided as an enhancement transmitted in association with the television program (Specification at page 5, lines 9-19);

associating a first predefined unique symbol (Figure 1 "diagonally split rectangle") with a first type of the supplementary content to indicate a one-screen interactivity mode to display first interactive content and the television program on a first screen by a processor (Specification at page 6, line 18 to page 7, line 3);

associating a second predefined unique symbol (Figure 1 "W-S") with a second type of the supplementary content to indicate a two-screen interactivity mode to display, on a second screen, second interactive content synchronized to the television program on the first screen, or to indicate a two-screen static web mode to display, on the second screen, static content related but not synchronized to the television program on the first screen by the processor (Specification at page 5, line 20 to page 6, line 4); and

providing the predefined unique symbol in association with the listing in the program schedule (Specification at page 5, line 20 to page 6, line 4).

Channel	9:00 pm	9:30 pm	10:00 pm	10:30 pm
UBC-E	Safari	NW Fishing (W-S)	World Newshour	
ASEANET	Pather Panchali	Satyajit Ray		Asia-Pop (W-L)
PBS-KOPB	NOVA: Mysteries of deep-sea life		Frontline	
TODDLER	Willy Wallaby (Repeat)	Frog and Duckling	Billy-bubbies	(Off air)
REAL-TV	Fire!	Coast Patrol	Extreme Sport	
SHOPNET	Fashion Collection	E-Mail (WWW)	Select Sales	Infomercial
GAME	World Cup: Italy v/s Spain (W-L)		Cricket: West Indies v/s Dream Team	Amateur Golf Highlights

Figure 1

14. A method comprising:

receiving a program schedule (Figure 1, 100), the program schedule further comprising (Specification at page 5, lines 8-18):

a first listing (Figure 1, 140) for a television program that has supplementary content provided as an enhancement transmitted in association with the television program;

a second listing (Figure 1, 120) for a television program that has supplementary content provided as an enhancement transmitted in association with the television program:

a first predefined unique symbol (Figure 1, "diagonally split rectangle") in association with the first listing, where the first predefined unique symbol is associated with a first type of the supplementary content to indicate a one-screen interactivity mode to display first interactive content and the television program on a first screen (Specification at page 6, line 8 to page 7, line 3), a second pre-defined unique symbol (Figure 1, "W-S") associated with the second listing where the second pre-defined unique symbol is associated with a second type of the supplementary content to indicate a two-screen interactivity mode to display, on a second screen, second interactive content synchronized to the television program on the first screen, or to indicate a two-screen static web mode to display, on the second screen, static content related but not synchronized to the television program on the first screen (Specification at page 5, line 20 to page 6, line 4); and

sending the program schedule to a display by a processor (Specification at page 5, line 20 to page 6, line 4).

17. A method comprising:

distributing a television program to an audience, where the program has supplementary content provided as an enhancement transmitted in association with the television program (Specification at page 5, lines 8-18);

distributing the supplementary content to the audience by a processor, where a first unique predefined unique symbol (Figure 1, "diagonally split rectangle") is associated with the supplementary content to indicate a one-screen interactivity mode to display first interactive content and the television program on a first screen (Specification at page 6, line 18 to page 7,



line 3), and a second pre-defined unique symbol (Figure 1, "W-S") is associated with the supplementary content to indicate a two-screen interactivity mode to display, on a second screen, second interactive content synchronized to the television program on the first screen, or to indicate a two-screen static web mode to display, on the second screen, static content related but not synchronized to the television program on the first screen (Specification at page 5, line 20 to page 6, line 4); and

providing listing information for the television program.

24. An apparatus comprising:

a receiver (Figure 2, 23) to receive a transmission comprising a program schedule, the program schedule further comprising (Specification at page 10, lines 9-17):

a first listing (Figure 1, 140) for a television program that has supplementary content as provided as an enhancement transmitted in association with the television program;

a second listing (Figure 1, 120) for a television program that has supplementary content as provided as an enhancement transmitted in association with the television program

a first predefined unique symbol (Figure 1, "diagonally split rectangle") in association with the first listing, where the predefined unique symbol is associated with a first type of the supplementary content to indicate a one-screen interactivity mode to display first interactive content and the television program on a first screen (Specification at page 6, line 18 to page 7, line 3), a second pre-defined unique symbol associated with the second listing where the second pre-defined unique symbol is associated with a type of supplementary content to indicate a two-screen interactivity mode to display, on a second screen, second interactive content synchronized to the television program on the first screen, or to indicate a two-screen static web mode to display, on the second screen, static content related but not synchronized to the television program on the first screen (Specification at page 5, line 20 to page 6, line 4); and

a display component (Figure 2, 230) coupled to the receiver to display the program schedule on a display device and to display the predefined unique symbol on the display device (Specification at page 10, lines 9-17).

At this point, no issue has been raised that would suggest that the words in the claims have any meaning other than their ordinary meanings. Nothing in this section should be taken as an indication that any claim term has a meaning other than its ordinary meaning.

**GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

- A. Whether claims 1, 4, 6-7, 17, 20, and 22-23 are unpatentable under 35 U.S.C. § 103(a) over Stautner in view of Farwell.
- B. Whether claims 8-12, 14, 16, 24-26, and 28 are unpatentable under 35 U.S.C. § 103(a) over Stautner in view of Farwell and further in view of Boyer.

## **ARGUMENT**

**A. Are claims 1, 4, 6-7, 17, 20, and 22-23 unpatentable under 35 U.S.C. § 103(a) over Stautner in view of Farwell?**

Claims 1 and 17 call for associating a second predefined unique symbol with a second type of supplementary content to indicate a two-screen interactivity mode.

In other words, one could always select an icon to get picture display. It has nothing whatsoever to do with supplementary content. Any kind of content can be displayed in the picture and picture mode. The claim requires associating a second predefined unique symbol with a second type of supplementary content. This is not done in the cited reference. The PIP symbol has nothing to do with supplementary content and only has to do with the original content and whether content is displayed in two images. Further, it is required that the predefined unique symbol is provided in association with a listing and a program schedule. This also does not happen.

Finally, Farwell has nothing to do with two-screen interactivity mode on the display. The two-screen static web mode is described in the present specification at the top of page 6, as involving two screens, a television screen and a computer display that are used to present the content in conjunction with the program. This does not happen in the cited reference. In the cited reference, he has a button to have a picture in picture, which normally means that you can watch two different channels. He does not have anything that indicates that the supplementary content needs two different devices to display it or can be displayed in connection with the current system.

Therefore, the cited reference does not meet the limitations of these claims.

**B. Are claims 8-12, 14, 16, 24-26, and 28 unpatentable under 35 U.S.C. § 103(a) over Stautner in view of Farwell and further in view of Boyer?**

**Claim 14**

Claim 14 calls for a second predefined unique symbol associated with a second listing. The second listing is a listing for a television program that has supplementary content. The cited reference to Farwell has nothing to do with a second listing for a television program that has

supplementary content. It has nothing to do with a TV guide and only to do with displaying television.

**Claim 24**

Likewise, reconsideration of the rejection of claim 24 is requested.

\* \* \*

Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: September 1, 2009



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## CLAIMS APPENDIX

The claims on appeal are:

1. A method comprising:  
creating a program schedule that includes a listing for a television program that has supplementary content provided as an enhancement transmitted in association with the television program;  
associating a first predefined unique symbol with a first type of the supplementary content to indicate a one-screen interactivity mode to display first interactive content and the television program on a first screen by a processor;  
associating a second predefined unique symbol with a second type of the supplementary content to indicate a two-screen interactivity mode to display, on a second screen, second interactive content synchronized to the television program on the first screen, or to indicate a two-screen static web mode to display, on the second screen, static content related but not synchronized to the television program on the first screen by the processor; and  
providing the predefined unique symbol in association with the listing in the program schedule.
4. The method of claim 1 wherein the first predefined unique symbol is a text string.
6. The method of claim 1 wherein the first predefined unique symbol is a graphic symbol.
7. The method of claim 1 wherein the first predefined unique symbol is an image.
8. The method of claim 1 further comprising distributing the program schedule.
9. The method of claim 8 further comprising:  
printing the program schedule in a publication; and  
printing the second predefined unique symbol in the publication.

10. The method of claim 8 further comprising:  
transmitting the program schedule; and  
transmitting the second predefined unique symbol.

11. The method of claim 10 further comprising transmitting data which when accessed by a machine causes the machine to display an animated version of the second predefined unique symbol.

12. The method of claim 8 further comprising:  
making the program schedule available on the World Wide Web; and  
providing the second predefined unique symbol in association with the listing in the program schedule on the World Wide Web.

14. A method comprising:  
receiving a program schedule, the program schedule further comprising:  
a first listing for a television program that has supplementary content provided as an enhancement transmitted in association with the television program;  
a second listing for a television program that has supplementary content provided as an enhancement transmitted in association with the television program:  
a first predefined unique symbol in association with the first listing, where the first predefined unique symbol is associated with a first type of the supplementary content to indicate a one-screen interactivity mode to display first interactive content and the television program on a first screen, a second pre-defined unique symbol associated with the second listing where the second pre-defined unique symbol is associated with a second type of the supplementary content to indicate a two-screen interactivity mode to display, on a second screen, second interactive content synchronized to the television program on the first screen, or to indicate a two-screen static web mode to display, on the second screen, static content related but not synchronized to the television program on the first screen; and  
sending the program schedule to a display by a processor.

16. The method of claim 14 further comprising:  
receiving an animated version of the first predefined unique symbol; and  
sending the animated version of the predefined first unique symbol to the display.
17. A method comprising:  
distributing a television program to an audience, where the program has  
supplementary content provided as an enhancement transmitted in association with the television  
program;  
distributing the supplementary content to the audience by a processor, where a  
first unique predefined unique symbol is associated with the supplementary content to indicate a  
one-screen interactivity mode to display first interactive content and the television program on a  
first screen, and a second pre-defined unique symbol is associated with the supplementary  
content to indicate a two-screen interactivity mode to display, on a second screen, second  
interactive content synchronized to the television program on the first screen, or to indicate a  
two-screen static web mode to display, on the second screen, static content related but not  
synchronized to the television program on the first screen; and  
providing listing information for the television program.
20. The method of claim 17 wherein the second predefined unique symbol is a text  
string.
22. The method of claim 17 wherein the second predefined unique symbol is a  
graphic symbol.
23. The method of claim 17 wherein the second predefined unique symbol is an  
image.



24. An apparatus comprising:

a receiver to receive a transmission comprising a program schedule, the program schedule further comprising:

a first listing for a television program that has supplementary content as provided as an enhancement transmitted in association with the television program;

a second listing for a television program that has supplementary content as provided as an enhancement transmitted in association with the television program

a first predefined unique symbol in association with the first listing, where the predefined unique symbol is associated with a first type of the supplementary content to indicate a one-screen interactivity mode to display first interactive content and the television program on a first screen, a second pre-defined unique symbol associated with the second listing where the second pre-defined unique symbol is associated with a type of supplementary content to indicate a two-screen interactivity mode to display, on a second screen, second interactive content synchronized to the television program on the first screen, or to indicate a two-screen static web mode to display, on the second screen, static content related but not synchronized to the television program on the first screen; and

a display component coupled to the receiver to display the program schedule on a display device and to display the predefined unique symbol on the display device.

25. The apparatus of claim 24 further comprising:

an input device to receive a signal corresponding to selection of the predefined unique symbol on the display device by a user; and

a content delivery component to provide the supplementary content in response to the signal.

## **EVIDENCE APPENDIX**

None

## **RELATED PROCEEDINGS APPENDIX**

None